



THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

December 31, 1957

Dr. James A. Turman
Executive Director
Texas Youth Council
Austin, Texas

Opinion No. WW-340

Re: Can the Comptroller approve warrants covering the cost of transportation for wards of the Texas Youth Council being released under supervision to points outside the State of Texas, pursuant to reciprocal agreements with the receiving state to assume supervision over such wards? And related questions.

Dear Dr. Turman:

You have requested our opinion on whether the Comptroller can approve warrants issued to cover the cost of transportation of wards of the Texas Youth Council released under supervision to points in other states under an agreement with the foreign state to assume parole supervision over said ward.

In Attorney General's Opinion WW-294, dated October 31, 1957, we discussed the general authority granted to the Texas Youth Council under the laws of Texas to furnish transportation to their wards to places outside the State of Texas and determined that under this authority only those students under parole supervision could be transported, and that said parole supervision under the authority of the Texas statutes could not extend beyond the Texas boundaries without giving extra territorial affect to the laws of Texas.

Your present questions, however, raise additional facts, namely, agreements by sister states to assume supervision over the wards sent to them by the Texas Youth Council. It is our opinion that where a reciprocal agreement has been entered into with officers of sister states for the continued supervision of wards of the Texas Youth Council who are sent to said sister state, the problem of extra territorial affect of the Texas law is removed and such situation creates an exception to the general language in Attorney General's Opinion WW-294. Consequently, transportation may be furnished wards to sister states pursuant to an agreement by the sister state to assume supervision over said ward for the Texas Youth Council.

You have asked us the further question as to the authority of the Texas Youth Council to pay for the transportation of escapees and parole violators back to the institution from which they escaped or were released.

Acts 55th Legislature, Regular Session, 1957, Chapter 281, page 667, reads, in part, as follows:

"Sec. 27. . . . The Youth Council may, at any time, until finally discharged by the Youth Council, resume the care and custody of any child released under parole supervision. (Emphasis ours)

" . . .

"Sec. 29. A boy or girl committed to the Youth Council as a delinquent child and placed by it in any institution or facility, who has escaped therefrom, or who has been released under supervision and broken the conditions thereof, may be arrested without a warrant by a sheriff, deputy sheriff, constable, police officer, or parole officer employed or designated by the Youth Council, and may be kept in custody in a suitable place and there detained until such boy or girl may be returned to the custody of the Youth Council."

It is our opinion that the above sections necessarily imply and show the intent of the Legislature that the Texas Youth Council has the authority to furnish transportation to return escapees and parole violators to the proper institution. Consequently, the Comptroller may approve warrants covering the cost of transportation for returning parole violators and escapees from institutions under the control of the Texas Youth Council.

SUMMARY

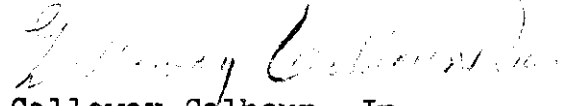
The Comptroller may approve warrants covering the cost of transportation for students of the Texas Youth Council being released under supervision to other states pursuant to reciprocal agreements with such foreign state to assume parole supervision. The Comptroller may also approve

Dr. James A. Turman, Page 3 (WW-340)

warrants covering the cost of transportation for returning parole violators and escapees from institutions under the control of the Texas Youth Council to the proper institution.

Very truly yours,

WILL WILSON
Attorney General of Texas

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Assistant

GC:mg:jl

APPROVED:

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REVIEWED FOR THE ATTORNEY GENERAL

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